



**Planning and Zoning**  
**Department of Transportation and Development**  
 Development Services Building  
 150 Beaver Creek Road | Oregon City, OR 97045  
 503-742-4500 | zoninginfo@clackamas.us  
 www.clackamas.us/planning

<b>STAFF USE ONLY</b>	
Staff Initials:	File Number:

Land use application for:

# HABITAT CONSERVATION AREA DEVELOPMENT

APPLICANT INFORMATION			
Applicant name:	Applicant email:	Applicant phone:	
Applicant mailing address:	City:	State:	ZIP:
Contact person name (if other than applicant):	Contact person email:	Contact person phone:	
Contact person mailing address:	City:	State:	ZIP:

PROPOSAL
Brief description of proposal:

SITE INFORMATION		
Site address:	Comprehensive Plan designation:	Zoning district:
Map and tax lot #: <i>Township: _____ Range: _____ Section: _____ Tax Lot: _____</i> <i>Township: _____ Range: _____ Section: _____ Tax Lot: _____</i> <i>Township: _____ Range: _____ Section: _____ Tax Lot: _____</i>	Land area:	
Adjacent properties under same ownership: <i>Township: _____ Range: _____ Section: _____ Tax Lot: _____</i> <i>Township: _____ Range: _____ Section: _____ Tax Lot: _____</i>		

Printed names of all property owners:	Signatures of all property owners:	Date(s):
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<b><i>I hereby certify that the statements contained herein, along with the evidence submitted, are in all respects true and correct to the best of my knowledge.</i></b>	
Applicant signature:	Date:

## A. Review applicable land use rules:

This application is subject to the provisions of [Section 706, Habitat Conservation Area District \(HCAD\)](#) of the [Clackamas County Zoning and Development Ordinance](#) (ZDO). It is also subject to the ZDO's definitions, procedures, and other general provisions, as well as to the specific rules of the subject property's zoning district and applicable development standards, as outlined in the ZDO.

## B. Turn in all of the following:

- Complete application form:** Provide all items in this checklist and respond to all questions in this form. Make sure all owners of the subject property sign the first page of this form. Applications without the signatures of all property owners are incomplete. Applications without a Statement of Application Type are incomplete.
- Application fee:** The fee for this application is established in the adopted [Fee Schedule](#). The cost of this application varies depending on whether it is submitted pursuant to ZDO Subsection **706.10(A)** or ZDO Subsection **706.10(B)**. Please refer to the FAQs below or consult with Planning staff to ensure that you are submitting this application pursuant to the appropriate code section and paying the corresponding fee. Payment can be made by cash, by check payable to "Clackamas County", or by credit/debit card with an additional card processing fee using the [Credit Card Authorization Form](#) available from the Planning and Zoning website. Payment is due when the application is submitted. Refer to the FAQs and the [Fee Schedule](#) for refund policies.
- Statement of Application Type:** Your application must state whether you are submitting this application pursuant to (i.e. intending to comply with) Subsection 706.10(A) or Subsection 706.10(B). If you are not sure which Subsection is appropriate for your project, please refer to the FAQs at the end of this form, or contact Planning and Zoning for assistance: [zoninginfo@clackamas.us](mailto:zoninginfo@clackamas.us) | (503) 742-4500. Please include your Statement of Application Type below, in Section C of this application form.
- Site Plan** of the subject property drawn to scale, identifying the following:
  - Location and type of all existing and proposed development, labeling whether each element is existing or proposed, including buildings, gravel or paved areas, utilities, landscaping, and grading >10 cubic yards;
  - Location and width of existing adjacent road rights-of-way;
  - Location of the HCA as identified on the HCA Map or a valid Map Verification, including the location of High, Moderate, and Low HCA (view the HCA Map at <https://gis.oregonmetro.gov/metromap/> or contact Planning and Zoning for assistance);
  - Location of any rivers, streams, wetlands, and flood areas; agricultural areas (e.g. pastures, orchards); naturalized areas (e.g. meadows, woods);
  - Drip lines outside the HCA of trees that are inside the HCA;
  - For a property containing less than an acre of HCA, the location of all trees within the HCA that are greater than six inches diameter at breast height (DBH), identified by DBH and species. For properties containing one acre or more of HCA, the applicant may approximate the number of trees within the HCA that are greater than six inches DBH and the DBH range, and provide a listing of the dominant species;
  - The location of all trees with a DBH of six inches or greater that are proposed to be removed, identified by DBH and species;
  - The site ingress and egress proposed to be used by construction vehicles;
  - Location and dimensions of proposed equipment and material staging and stockpile areas;
  - Location of any Water Quality Resource Area regulated by Section 709;
  - For ZDO 706.10(B) applications the site plan, or supplemental plan(s) must include:
    - Topographic contour lines of two-foot intervals for slopes less than 15 % and 10-foot intervals for slopes 15 % or greater. On properties that are two acres or larger, such a contour map is required only for the areas to be developed;
    - If grading is proposed within the HCA, a grading plan showing the proposed alteration of the ground at one-foot vertical contours in areas of slopes less than 5%, two-foot vertical contours in areas of slopes from 5-15%, and five-foot vertical contours for slopes greater than 15%.

- Mitigation Plan:**
  - For **706.10(A)** applications: A mitigation plan demonstrating compliance with, and providing narrative responses to each applicable criteria in, Subsections 706.10(A)(6), (7), and, if applicable, (8).
    - If offsite mitigation is proposed pursuant to Subsection 706.10(A)(7)(b), the mitigation plan shall address both the subject property and the alternate mitigation site and shall provide all information required under Subsection 706.07(C)(4).
    - If the applicant proposes to vary the number and size of required trees and shrubs pursuant to Subsection 706.10(A)(8), a report, prepared and signed by a qualified professional, such as a botanist or a certified landscape architect, providing the information required under Subsection 706.07(C)(5).
  - For **706.10(B)** applications: Either a mitigation plan demonstrating compliance with, and providing narrative responses to each applicable criteria in, Subsections 706.10(A)(6), (7), and, if applicable, (8); or an alternative mitigation plan prepared and signed by a qualified professional, such as a botanist or a certified landscape architect. The report shall include all information required under Subsection 706.07(D)(5)(a) through (h).
- Impact Evaluation and Alternatives Analysis** – for **703.10(B)** applications only – prepared and signed by either a qualified natural resource professional (e.g. wildlife biologist, botanist, or hydrologist) or an environmental engineer registered in Oregon. The report shall include:
  - A description of the qualifications and experience of all persons that contributed to the analysis, and, for each person that contributed, a description of the elements of the analysis to which the person contributed;
  - Identification of the ecological functions of the HCA on the subject property. The ecological functions to be evaluated are those identified in Subsections 706.10(B)(2)(b)(i) through (iii);
  - Evaluation of alternative locations, design modifications, or alternative methods of development to determine which options reduce significant detrimental impacts on the HCA and the ecological functions provided by the HCA. At a minimum, the approaches identified in Subsections 706.10(B)(1)(a) through (g) shall be considered; and
  - Determination of the alternative that best meets the applicable approval criteria, and identification of unavoidable significant detrimental impacts;
- Construction Management Plan** compliant with 706.07(A) and 706.08, including:
  - Site plan showing:
    - Location and type of existing and proposed development with labels of each element as existing or proposed;
    - Location of the HCA as shown on the HCA Map or an approved Map Verification;
    - Drip lines outside the HCA of trees that are inside the HCA;
    - Distance between HCA boundary and proposed development outside the HCA;
    - Location and dimensions of proposed ingress and egress routes for construction vehicles;
    - Location and dimensions of proposed equipment and material staging and stockpile areas;
    - Proposed orange construction fencing compliant with Subsection 706.08(B)
  - An Erosion Prevention and Sediment Control (EPSC) plan, which may be included on the site plan if acceptable to the EPSC regulatory authority; and
  - If proposing a modification or waiver of the construction fencing requirement in 706.08(B), a narrative describing how the proposed development qualifies under Subsection 706.08(B)(1) or (2).

**Note:**

Except for utility facilities reviewed pursuant to ZDO Subsection 706.10(A)(1) and notwithstanding any other provisions of Subsection 706.07, for utility facilities developed by public utilities on property that is not owned by the utility, the utility shall not be required to map or provide any information about the property except for the area within 300 feet of the proposed disturbance area.

### C. Describe the proposed development:

In the box below, **state whether you are proposing development pursuant to ZDO 706.10(A) or 706.10(B)**, then describe all of your proposed development, including any grading, filling, vegetation removal, utility improvements, and the installation/construction of any roads, wells, driveways, fences, septic systems, dwellings, and accessory structures. Attach additional pages, if necessary.

### D. Demonstrate with supporting plans and narrative:

Through a combination of attached plans, a written narrative, and other supporting evidence as necessary, demonstrate that the proposal meets and/or can meet all applicable approval criteria in either ZDO Subsection 706.10(A) or Subsection 706.10(B).

**Note:**

If proposed development is in a Water Quality Resource Area (WQRA) regulated pursuant to [ZDO Section 709, Water Quality Resource Area District \(WQRAD\)](#), it shall comply with either Subsection 706.10(B) or 709.10, except that if the subject parcel contains an HCA and a WQRA *and* is the subject of a land use application for a partition of subdivision, the partition or subdivision shall comply with the requirements of Subsections 706.10 *and* 709.11, and if the provisions conflict, the most restrictive standard shall apply.

## FAQs

### When is an HCA Development permit required?

The County's [Zoning and Development Ordinance](#) requires an HCA Development permit for development within an HCA and for the partition or subdivision of a lot containing HCA. Exceptions to this general requirement are listed in ZDO Subsection 706.04.

### How do I know whether to apply under ZDO 706.10(A) or 706.10(B)?

Subsection 706.10(A)(1) establishes a Maximum Disturbance Area (MDA) based on a square footage calculation that varies depending on your zoning and whether the property is within the Urban Growth Boundary (UGB). Then, Subsection 706.10(A)(6) establishes mitigation planting requirements based on either the square footage of disturbance or the number of trees removed. If the disturbance area of your project would exceed the standard MDA as calculated in 706.10(A)(1), or if the standard mitigation required under 706.10(A)(6) is not feasible, then 706.10(B) may be the appropriate path for your project.

### What is the permit application process?

HCA Development permits are subject to a "Type II" land use application process, as provided for in [Section 1307](#) of the ZDO (unless the application is filed concurrently with another land use application that requires review as a Type III application). Type II decisions include notice to owners of nearby land, the Community Planning Organization (if active), service providers (sewer, water, fire, etc.), and affected government agencies. If the application is approved, the applicant must comply with any conditions of approval identified in the decision. The Planning Director's decision can be appealed to the County Land Use Hearings Officer.

### What is needed for the County to approve a land use permit?

An HCA Development permit *may* be approved after an evaluation by the County of applicable standards of the ZDO. The applicant is responsible for providing evidence that their proposal does or can meet those standards. In order to address the standards, the information requested in this application should be as thorough and complete as possible. A permit will only be approved or denied after a complete application is received and reviewed. The County approves an application only if it finds that the proposal meets the standards or can meet the standards with conditions.

### How long will it take the County to make a decision about an application?

The County makes every effort to issue a decision on a Type II land use application within 45 days of when we deem the application to be complete. State law generally requires a final County decision on a land use permit application in an urban area within 120 days of the application being deemed complete, and within 150 days for a land use permit in a rural area, although there are some exceptions.

**Withdrawal and refund:** Please see Planning & Zoning Fee Schedule under "Other Fees" [here](#). The \$5 Technology Fee is non-refundable.

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*Clackamas County is committed to providing meaningful access and will make reasonable accommodations, modifications, or provide translation, interpretation or other services upon request. Please contact us at 503-742-4545 or [drenhard@clackamas.us](mailto:drenhard@clackamas.us).*

**503-742-4545:** ¿Traducción e interpretación? | Требуется ли вам устный или письменный перевод?  
翻译或口译? | Cần Biên dịch hoặc Phiên dịch? | 번역 또는 통역?